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SENATE BILL 463

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO MUNICIPALITIES; PROVIDING FOR TRIPLE DAMAGES FOR
FRANCHISE FEE OVERCHARGES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-42-1 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-43-1) is amended to read:

"3-42-1. FRANCHISES-- AUTHORIZATION. --

A. A municipality may grant by ordinance a
franchise to any person, firm or corporation for the
construction and operation of any public utility.

B. No franchise ordinance shall become effective
until at least thirty days after its adoption, during which
time the franchise ordinance shall be twice published in full,
not less than seven days apart.

C. If during the thirty-day period a petition,

underscored material = new
[bracketed material] = delete

1 signed by bona fide adult residents of the municipality equal
2 in number to twenty percent of the number of those who voted at
3 the last regular municipal election, and objection to the
4 granting of the franchise is presented to the governing body of
5 the municipality, the governing body of the municipality shall
6 submit the question of granting the franchise to a vote of the
7 qualified electors at a regular or special municipal election.
8 If the date for the next regular municipal election is not more
9 than ninety days after the date the petition is filed, the
10 question shall be submitted at the regular municipal election;
11 otherwise, a special municipal election shall be held.

12 D. If a majority of the qualified electors voting
13 on the question favor the granting of a franchise, the
14 franchise ordinance becomes effective. If a majority of the
15 qualified electors voting on the question do not favor granting
16 the franchise, the ordinance is repealed and the applicant for
17 the franchise acquires no rights or privileges.

18 E. The expense of publishing the franchise
19 ordinance and of holding a special election shall be paid by
20 the applicant for the franchise.

21 F. No franchise ordinance shall be in effect for
22 more than twenty-five years. The municipality may contract
23 with the public utility for such services as are necessary for
24 the health and safety of the municipality and may pay a sum
25 agreed upon by the contracting parties for such services.

